

## § 3504.11

have an interest in withholding the records that can be protected under FOIA; but

(c) BLM has reason to believe that disclosure of the information may result in commercial or financial injury to the Indian mineral owner(s), but is uncertain that such is the case.

### Subpart 3504—Fees, Rental, Royalty and Bonds

#### GENERAL INFORMATION

#### § 3504.11 What forms of payment will BLM and MMS accept?

Make your payments to BLM in cash, postal money order, negotiable instrument in U.S. currency, or such other method as BLM may authorize. See MMS regulations at 30 CFR part 218 for their payment requirements.

#### § 3504.12 What payments do I send to BLM and what payments do I send to MMS?

(a) *Filing fees and rentals.* (1) Include a non-refundable filing fee of \$25 with each application you submit to BLM. Preference right lease applications and exploration license applications do not require a fee.

(2) Pay all filing fees, all first-year rentals, and all bonus bids for leases to the BLM State office which manages the lands you are interested in. Make your instruments payable to the Department of the Interior-Bureau of Land Management.

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(3) Pay all second-year and subsequent rentals and all other payments for leases to the Minerals Management Service. See 30 CFR part 218 for MMS's payment procedures.

(b) *Royalties.* Pay all royalties on producing leases and all payments under leases in their minimum production period to the MMS.

#### RENTALS

#### § 3504.15 How does BLM determine my rent?

We set your rent by multiplying the number of acres in your lease or permit by the rental rates shown below. The rates differ for different commodities and some rates increase over time. You must pay rent each year. We round up any fractional acreage to the next highest acre. If you do not know the exact acreage, compute the total acreage by assuming each of the smallest subdivisions is 40 acres. The minimum rental is \$20 per permit or lease for all commodities. Pay the minimum rental or the per-acre rental, whichever is greater.

(a) Annual rental rates for prospecting permits for all commodities are \$.50 per acre or fraction of an acre.

(b) Annual rental rates for leases for each commodity are shown in the table below. The rate shown is for each acre or fraction of an acre in the lease.

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6 to end
(1) Phosphate .....	\$0.25	\$0.50	\$0.50	\$1.00	\$1.00	\$1.00
(2) Sodium .....	0.25	0.50	0.50	0.50	0.50	1.00
(3) Potassium .....	0.25	0.50	0.50	0.50	0.50	1.00
(4) Sulphur .....	0.50	0.50	0.50	0.50	0.50	0.50
(5) Gilsomite .....	0.50	0.50	0.50	0.50	0.50	0.50
(6) Hardrock .....	1.00	1.00	1.00	1.00	1.00	1.00
(7) Asphalt .....	0.25	0.50	0.50	0.50	0.50	1.00

[64 FR 53536, Oct. 1, 1999; 65 FR 11476, Mar. 3, 2000]

#### § 3504.16 When is my rental due after the first year of the lease?

(a) For prospecting permits, pay your rental in advance each year before the anniversary date of the permit.

(b) For sodium, potassium or asphalt leases, pay your rental in advance before January 1 of each year.

(c) For phosphate leases pay your rental in advance on or before the anniversary date of the lease.

(d) For other mineral leases not covered in paragraph (b) or (c) of this section, pay the rental in advance each

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year before the anniversary of the effective date of the lease.

(e) MMS will credit your lease rental for any year against the first production royalties or minimum royalties (see §3504.25 of this part) as the royalties accrue under the lease during that year.

**§ 3504.17 What happens if I do not pay my rental on time?**

(a) If you do not pay your rental on time for a prospecting permit, your permit will automatically terminate.

(b) If you do not pay your rental for a lease on time, BLM will notify you that unless you pay within 30 days from receipt of the notification, BLM will take action to cancel your lease.

**ROYALTIES****§ 3504.20 What are the requirements for paying royalties on production?**

You must pay royalties on any production from your lease in accordance with the terms specified in the lease. See §3504.21 of this part for minimum royalty rates. Your royalty rate will be a percentage of the quantity or gross value of the output of the produced commodity. Apply the royalty rate to the value of the production determined under MMS regulations in Title 30. For asphalt, the minimum royalty is calculated on a cents-per-ton basis. You may not pay your royalty in quantity without BLM's prior approval.

**§ 3504.21 What are the minimum royalty rates?**

Commodity	Minimum royalty rate
(a) Phosphate .....	5% of gross value of the output of phosphates or phosphate rock and associated or related minerals.
(b) Sodium .....	2% of the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market.
(c) Potassium .....	2% of the quantity or gross value of the output of potassium compounds and related products at the point of shipment to market.
(d) Sulphur .....	5% of the quantity or gross value of the output of sulphur at the point of shipment to market.
(e) Gilsonite .....	No minimum royalty rate.
(f) Hardrock Minerals .....	No minimum royalty rate.
(g) Asphalt .....	25 cents per ton (2,000 pounds) of marketable production.

**§ 3504.22 How will I know what the royalty rate is on my lease production?**

BLM determines the rate for each lease before we offer it. If BLM offered the lease competitively, the rates are in the notice of lease sale. If you applied for a noncompetitive lease, BLM will send you a royalty rate schedule for your concurrence and signature before we issue you the lease. BLM attaches royalty rates to, and makes them a part of, all leases.

**§ 3504.25 Do I have to produce a certain amount per year?**

(a) If your mineral lease was issued, renewed or readjusted any time after April 22, 1986, you must either produce a minimum amount or pay a minimum royalty in lieu of production each lease year. This requirement begins in the sixth lease year or the first full year of a renewed or readjusted lease, whichever comes first. The minimum royalty payment is \$3 per acre or fraction of an

acre. For phosphate, sulphur, gilsonite and hardrock leases, pay the minimum royalty in advance before the lease anniversary date. For sodium, potassium and asphalt leases the minimum royalty is due in advance before January 1 of each year.

(b) MMS will credit any lease rental payment (see §3504.16(d) of this part) against the minimum royalty payment amount due under paragraph (a) of this section. MMS then will credit your minimum royalty as specified under paragraph (a) to your production royalties for that year only. For example, if you pay \$1,000 in rental and you owe \$3,000 in minimum royalties, you will pay a total of \$3,000 for both. If during the lease year you accrue \$10,000 in production royalties, MMS will credit \$3,000 against that amount.

(c) Hardrock mineral leases or development or operating agreements subject to escalating rentals are exempt from minimum production and minimum royalty requirements.